

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte ARLEN L. ROESNER

Application 10/647,915



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 26, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

The Examiner's Answer mailed January 6, 2006 is defective because in paragraph 8 it is stated, "no evidence is relied upon by the examiner." However, prior art was applied in the rejections on appeal. The Manual of Patent Examining Procedure, (MPEP), in § 1207.02 states:

(8) *Evidence Relied Upon*<. A listing of the **>evidence< relied on >(e.g., patents, publications, admitted prior art)<, and, in the case of nonpatent references, the relevant page or pages.


Appropriate correction is required.

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Accordingly, it is

ORDERED that the application is returned to the Examiner to fill out a PTOL-90, properly filling out or including the section "Evidence relied upon" to make the Examiner's Answer compliant and mail said PTOL-90 to Appellant; and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
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PJN/eld

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